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Poitiers, January 21, 2003,

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U.S. Department of Transportation
400 Seventh Street SW
Room PL 401
Washington DC 20590

Subject: Docket Number RSPA-2002-13658 (HM-215E)

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U.S. DEPARTMENT OF
TRANSPORTATION
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Sir or Madam,

In the Federal Register dated December 3, 2002 (volume 67, Number 232); the Research and Special Programs Administration has made a certain number of proposals to amend the Hazardous Materials Regulations in order to maintain alignment with international standards dealing with the transportation of lithium cells and batteries.

As a Company that makes such products in the United States and import/export them abroad, we are very much interested by the subject and would like to briefly make some comments and suggestions.

First, we believe that mandating the air shipment of lithium cell and battery prototypes to be based on a permission obtained from an "Associate Administrator would be a very cumbersome and lengthy procedure, especially if what was necessary was not just a "blanket approval" but one to be obtained on a shipment by shipment basis.

We would be more comfortable with well-defined shipment procedures for prototypes that would guarantee, without any additional interference, that a good level of safety is maintained (for instance the total number of prototypes to be part of each shipment could be limited etc.).

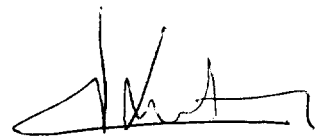
Second, for harmonization sake with the Special Provision 310 listed in the United Nations Model Regulations and incorporated in the recently released Editions of the International Maritime Dangerous Goods Code and European Agreement ADR applicable to ground transportation, as well as for practical reasons too, we believe that it would be very important getting the right to ship, untested but packed with some extra-precautions, not only prototypes but also "short" production runs consisting of no more than 100 units. To the best of our knowledge, this is not mentioned in the current notice of proposed rulemaking and we suggest it could be.

Third, we would like also to see abandoned the idea of restricting the shipment of discharged lithium cells and batteries with liquid cathodes (page 19 of the article within the Federal Register), something which goes against the UN's recommendation to put an end to the discrimination between liquid cathode and solid cathode products. As a matter of fact, the transportation incident records do not support the idea that one lithium battery category might differ from the other from a safety point of view.

The SAFT Company would certainly appreciate to see these concerns and proposals examined by your Administration and be taken into account in a future Edition of the Code of Federal Regulations.

I remain yours for any question and precision you might be looking for.

Yours, sincerely



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